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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,530	07/24/2003	Stuart K. Janikowski	LIT-PI-544.3D1	2921
7590	07/12/2004		EXAMINER	
Stephen R. Christian BBWI P.O. Box 1625 Idaho Falls, ID 83415-3899			LAMB, BRENDA A	
			ART UNIT	PAPER NUMBER
			1734	
DATE MAILED: 07/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,530

Applicant(s)

Janikowski et al

Examiner

LAMB

Group Art Unit

1734

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 7/24/2003
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-15 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-15 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 7/24/2003 ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 and 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Prince et al.

Prince et al teaches the design as shown in Figure 9 of a system for applying a composition to a non-equidimensional substrate, which is comprised of a processing chamber. Prince et al processing chamber is capable accepting a coating composition within the scope of the claim. Thus every claimed element of the coating apparatus set forth in claim 1 is taught by Prince et al. With respect to claim 5-6, Prince et al is capable of coating a non-equidimensional substrate within scope of the claims.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Argyle et al 5,709,910.

Argyle et al teaches a system for applying a modifying composition to a substrate. Argyle et al teaches the system includes a processing chamber which is configured to accept a treatment mixture to a substrate as it move therethrough. Argyle et al teaches the passageway way that extends through the chamber may be rectangular in cross-section such that the Argyle et al processing Chamber is capable of passing a sheet-like substrate such as within the scope of claim 5-6 which applicant has defined as non-equidimensional substrate (see column 7 lines 44-50 and column 6 lines 26-31). With respect to claim 2-5, Argyle et al shows the processing Chamber includes a first region, second region and a constricted medial region between first and second region. The functional recitation that the modifying agent is separated from the carrier medium upon a pressure drop when the treatment is introduced in the manner set forth in claim 2 has not been given patentable weight because it is narrative in form. In order to be given patentable weight, a functional recitation must be expressed as a "means" for performing the specified function, as set forth in 35 USC § 112, 6th

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paragraph, and must be supported by recitation in the claim of sufficient structure to warrant the presence of the functional language. In re Fuller, 1929 C.D. 172; 388 O.G. 279. It has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. In re Hotte, 177 USPQ 326, 328 (CCPA 1973). Further, the Argyle et al rectangular passageway 14 through the chamber, which includes the opening of the end seals, is capable of accepting a substrate that essentially matches or is slightly larger than the substrate. With respect to claim 7, the functional recitation that the non-equidimensional substrate is removed from the exit seal at the same ratio that the non-equidimensional substrate is continuously fed into the chamber through the entry seal has not been given patentable weight because it is narrative in form. In order to be given patentable weight, a functional recitation must be expressed as a "means" for performing the specified function, as set forth in 35 USC § 112, 6th paragraph, and must be supported by recitation in the claim of sufficient structure to warrant the presence of the functional language. In re Fuller, 1929 C.D. 172; 388 O.G. 279. it has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. In re Hotte, 177 USPQ 326, 328 (CCPA 1973). With respect to claims 8-11, Argyle et al has a plurality of chambers on either side of the processing chamber which seal and supply an inert gas at a high pressure to prevent leakage of the treatment material from the processing chambers and those gas filled chambers read on a sealing chambers (entry and exit seal) and expansion chamber or chamber into which pressurized gas expands which are arranged in a manner within scope of

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claim 8. Further, Argyle et al entry seal and exist seal are fluid filled and are capable of exerting a pressure slightly greater than the pressure in the expansion chamber via pressure flow valve in the treating system. With respect to claims 13-14, Argyle et al teaches pressure and temperature levels in the processing chamber is controlled obviously via the combination of heating means 70 which controls pressure and temperature of the material in material source 66 with means to control flow of material from material source 66 to the processing chamber (valve 78 and pump 79).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Argyle et al 5,709,910 in view of Godley 2,545,576.

Argyle et al is applied for the reasons noted above. Argyle fails to teach the apparatus is further comprised of a substrate feed controller. However, it would have been obvious to modify the Argyle et al apparatus to provide a substrate feed controller such as taught by Godley to control speed at which substrate is passed through the system for the taught advantage of increasing uniformity of deposition of material onto the traveling substrate.

Claims 1 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Boerger et al.

Boerger et al teaches a system for applying a composition onto a substrate. Boerger et al shows that system includes a processing chamber which is configured to accept composition within scope of the claim as the substrate is moved there through. Boerger et al shows in Figures 1-2 that the processing chamber accepts a sheet-like substrate, which is within the scope of claims 1 and 5-6. With respect to claims 8-11,

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Boerger et al teaches at column 5 lines 5-10 that transitional unit 1 is arranged at the entry and exit end of the processing chamber. The Boerger et al transitional unit 1 seals to prevent leakage of the reactive atmospheres of the processing chamber. The Boerger et al transitional unit 1 as shown in Figures 1-2 have multiple chambers reading on applicant's claimed expansion chamber or chamber into which gas expands into sealing chamber. Boerger et al teaches at column 5 lines 59-64 that compartment 7 or entry / exit seal is at a higher pressure than compartment 8, 9 or entry or exit seal. Boerger et al teaches pressure in the chamber/ seals/ expansion chamber is maintained by a gas which is inert with respect to the treatment mixture.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boerger et al in view of Godley 2,545,576.

Boerger et al is applied for the reasons noted above, Boerger et al fails to teach the apparatus is further comprised of a substrate feed controller. However, it would have been obvious to modify the Boerger et al apparatus to provide a substrate feed controller such as taught by Godley to control speed at which substrate is passed through the system for the taught advantage of increasing uniformity of deposition of material onto the traveling substrate.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Argyle et al 5,709,910 in view of Amelotte et al.

Argyle et al is applied for the reasons noted above. Argyle et al fails to teach the entry end seal and exit seal are adjustable. However, it would have been obvious to provide adjustable seals at the end of the Argyle et al chamber such as taught by

Amelotte et al for the taught advantage of preventing leakage of air into the treatment system.

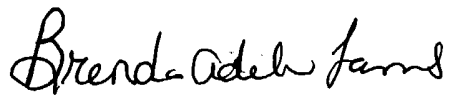
Claims 8-11 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms "the entry seal" and "exit seal" in claim 8 lacks proper antecedent basis. The term "entry and seal" in claim 15 is confusing since it is unclear how it relates to the "entry seal".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Monday thru Tuesday and Thursday thru Friday with alternate Wednesdays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BRENDA A. LAMB
PRIMARY EXAMINER